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## US Lead Legislation Update and Overview

May 2007 (07B-123)

There have been recent developments regarding the regulation of lead in consumer products in the United States. Several new laws have been passed as well as numerous State level bills are currently pending. Most recently, a federal bill has also been proposed. The following provides a summary of legislation recently passed into law along with the pending bills at the state and federal level.

### Lead Legislation Passed into Law

**California:** *Amends, California Health and Safety Code, Division 20, Chapter 6.5 with Lead-Containing Jewelry, Article 10.1.1*

Patterned on the Proposition 65 settlement, *People vs Burlington Coat Factory*, the law covers children's and adult jewelry, body piercing jewelry, and both metal and non-metallic jewelry components. The new law becomes effective September 1, 2007 for children's jewelry, and March 1, 2008, for all other jewelry.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=25001-26000&file=25214.1-25214.4.2>

**California:** *Amends, California Health and Safety Code, Division 103, Chapter 4.5, with Lead Materials, Article 4, Section 116875*

The law prohibits the use of any pipe; pipe or plumbing fitting or fixture; solder; or flux that is not "lead free" in the installation or repair of any facility providing water for human consumption in the State of California. The law establishes a more stringent definition of "lead free" and becomes effective January 1, 2010.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=116001-117000&file=116875-116880>

**Illinois:** *Public Act 094-0879: The Lead Poisoning Prevention Act of 2006.*

Relates to clothes, jewelry, candy, food, dietary supplements and items chewable by children. Became effective June 20, 2006.

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=094-0879&GA=094>

**Maryland:** *City of Baltimore - Regulatory Action on Lead in Children's Jewelry*

Prohibits the sale and distribution in Baltimore City of children's jewelry with metal components containing lead in excess of 1,200 ppm. As of September 1, 2007, this limit will drop to 600 ppm.

[http://www.baltimorehealth.org/press/2006\\_12\\_07\\_lead\\_regs.pdf](http://www.baltimorehealth.org/press/2006_12_07_lead_regs.pdf)

### Draft Guidance Issued

**US FDA:** The U.S. Food and Drug Administration issued a guidance in November 2006 aimed at further lowering children's exposure to traces of lead present in certain candies.

<http://www.cfsan.fda.gov/~7Edms/pbguid3.html>

### Federal Level: Proposed Bill Currently Pending

*S 1306 Lead Free Toys Act of 2007*

Directs the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

<http://thomas.loc.gov/cgi-bin/query/C?c110:./temp/%7Ec110WjAtHV>

### State Level: Proposed Bills Currently Pending

**Illinois:** *S 168, 7 Lead in Jewelry Act*

Creates the Lead in Jewelry Act. Provides that on and after March 1, 2008, a person shall not manufacture, ship, sell, or offer for sale children's jewelry for retail sale in the State unless the jewelry meets certain standards.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1687&GAID=9&DocTypeID=SB&LeqId=29819&SessionID=51&GA=95>

**Indiana:** *S 102, Lead Bearing Substances*

Restricts the use and sale of lead-bearing substances and items to which young children have access; prohibits the removal or defacing of a lead warning on a product label; requires a paint vendor to provide lead information pamphlets to customers and to offer lead test kits for sale.

<http://www.in.gov/legislative/bills/2007/IN/IN0102.1.html>

**Massachusetts:** *S 1224 (H 873), Resolve Relative to Banning Lead in Toys and Jewelry*

Establishes a special commission for the purpose of making an investigation and study relative to the ban of lead in children's toys and jewelry.

<http://www.mass.gov/legis/bills/senate/185/st01/st01224.htm>

**Michigan:** *H 4132, A bill to amend 1978 PA 368, entitled "Public Health Code," by adding part 54B, Lead-Bearing Substances.*

Bans the use or application of a lead-bearing substance in or on any items, including, but not limited to, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, toys, furniture, or other articles used by or intended to be chewable by children.

<http://www.legislature.mi.gov/documents/2007-2008/billintroduced/House/htm/2007-HIB-4132.htm>

**Michigan:** *H 4240, Toxic Substances in Children's Toys*

A person shall not manufacture, sell, or exchange, have in his or her possession with intent to sell or exchange, or expose or offer for sale or exchange to a retailer, a toy in this state that is contaminated with a toxic substance

<http://www.legislature.mi.gov/documents/2007-2008/billintroduced/House/htm/2007-HIB-4240.htm>

**Minnesota:** *S 1262. A bill for an act relating to commerce; regulating the manufacture and sale of jewelry products containing lead; proposing coding for new law in Minnesota Statutes*

### Contact us



Consumer Products  
Division

Phone: 716-505-3300

✉ Send an e-mail

Prohibits a person to manufacture, offer for sale, sell, or distribute for free jewelry unless it is made entirely from a Class 1, Class 2, or Class 3 material, or a combination thereof.

<http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=S1262.2.html&session=ls85>

**New York:** *S 285 (A 882) An Act to amend the public health law, in relation to lead in candy and in soft vinyl lunch boxes.* Requires the Department of Health to monitor the lead levels in candy and to prohibit the sale or distribution of candy with lead in it; prohibits the manufacture, distribution, sale and offering for sale of soft vinyl lunch boxes containing more than 600 parts per million of lead; imposes a fine for each violation relating to soft vinyl lunch boxes; directs the Department of Health to conduct an extensive public information program on lead in candy.

<http://assembly.state.ny.us/leg/?bn=A00882&sh=>

**New York:** *A 5282 (S 4235) An Act to amend the public health law, in relation to lead-containing novelty consumer products.*

Provides for regulation of sale and distribution of lead-containing novelty consumer products such as toys, costumes, decorations, jewelry and other products; defines terms; provides for public education through internet and other media; requires labeling of products; and prohibits sale or distribution over time.

<http://assembly.state.ny.us/leg/?bn=A05282&sh=>

**New York:** *S 5784, Lead in Jewelry.*

Would provide more stringent requirements for lead content in jewelry.

<http://assembly.state.ny.us/leg/?bn=S05784&sh=>

**South Carolina:** *H 3504 A bill to amend the Code of Laws of South Carolina, 1976, by adding section 39-15-60 and section 39-15-70 so as to provide for the labeling of toys tableware and houseware, respectively, containing excessive levels of lead.*

Provides for the labeling of toys, tableware and houseware, respectively, containing excessive levels of lead; provides a civil penalty for violations.

[http://www.scstatehouse.net/sess117\\_2007-2008/prever/3504\\_20070213.htm](http://www.scstatehouse.net/sess117_2007-2008/prever/3504_20070213.htm)

#### **How Bureau Veritas Can Help You**

Bureau Veritas is a leader in consumer products testing services, with experienced technical professionals. We can assist companies by testing for the presence and percentage of lead in a variety of consumer products. We offer comprehensive services to address specific product and supply chain concerns including:

- > Analytical Testing
- > Auditing
- > Inspections

#### **For More Information**

Please contact your client services representative or nearest Bureau Veritas Consumer Products Services location.

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